

REMARKS/ARGUMENTS

Claims 1-25 and 27-30 are all the claims currently pending in the application. Based on the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

I. Formal Matters

Applicant thanks the Examiner for returning a signed copy of Form PTO-1449 in the Office Action dated October 14, 1999. However, Applicant respectfully requests the Examiner to initial the references in the copy of the Form PTO-1449 that is submitted herein for the Examiner's convenience and return the same in the next Office communication.

Additionally, Applicant notes that the Examiner indicates on page 3 of the Office Action that the IDS filed February 10, 2004 is in compliance with the provisions of 37 C.F.R. § 1.97 and has been considered and explains that a copy was enclosed with the previous Office Action but that states that "page 7/15, 'PTO-1449' is not considered because 'it is not prior art.'" MPEP § 2001.06(c), which guides the Examiner in such matters, provides that "[w]here the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the U.S. Patent and Trademark Office." The IDS filed February 10, 2004 was filed to comply with the provisions on MPEP § 2001.06(c) and as such, Applicant respectfully requests the Examiner to sign and date the Form PTO-1449 that is enclosed herewith, for the Examiner's convenience, and return the same to the Applicant in the next Office communication.

II. Rejection of Claims 1-25 and 27-30 Under 35 U.S.C. § 103

The Examiner rejected claims 1-25 and 27-30 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Crozier (U.S. Patent No. 5,701,423; hereinafter "Crozier") in view of Norin et al. (U.S. Patent No. 5,794,253; hereinafter "Norin").

Claim 1 requires, *inter alia*, "a method ... comprising: ... determining a synchronization set by: ... (ii) determining which, *if any*, information records have been added to or modified at the source dataset since the *source* dataset *was last synchronized* with the *target* dataset, wherein

each information record of the source dataset is assigned a *globally unique identifier* that is independent of either of the devices” ... and ... “synchronizing information records of the source dataset with information records of the target dataset by: (i) using said globally unique identifiers, deleting from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset, and (ii) using said globally unique identifiers, updating the target dataset so that said target dataset includes those information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset.”

Applicant respectfully submits that the combination of Crozier and Norin does not teach or suggest at least the above features of claim 1. In contrast to claim 1, Crozier, either alone or in combination with Norin, at best, discloses “choosing corresponding records from ... two files, comparing the information of corresponding fields of these records, and allowing the user to decide how to change the data in one of the two files to bring them into agreement.” Col. 3, lines 33-37.

Claim 1 recites, *inter alia*, “determining a synchronization set by: ... “(ii) determining which, if any, information records have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset.” In rejecting claim 1, the Examiner suggests that the handheld computer 101 corresponds to the claimed information records of a source dataset residing on a first device and suggests that the desktop computer 115 corresponds to the claimed information records of a target dataset residing on a second device. (See pg. 5 of the Office Action) Additionally, the Examiner relies on column 11, lines 62-67, column 12, lines 1-8 and FIG. 7 of Crozier for the proposition that the combination teaches these features allegedly because Crozier “suggests if the data in any given field is different, update to the field, or edit part or all of the data in the record and write it to the target database.” (See pg. 6 of the Office Action) Applicant respectfully disagrees. The cited portion of Crozier, either alone or in combination with Norin, at best, explains that a “user is optionally notified during translation if any of the existing data in the desktop application” (alleged target dataset) “are different from the data in the handheld application” (alleged source dataset). The cited portion further merely explains that FIG. 7 shows a “screen display which allows the user to decide what to do about conflicts” and explains that “[i]f a record exists in the desktop application” (alleged target dataset)

“with the same Name, the data in each field in the desktop is compared with the data from the handheld” (alleged source dataset) and “if the data in any given field is different, the user may accept the update to the field, ignore it, or edit part or all of the incoming data in the record and write it to the desktop application’s” (alleged target dataset) “file.”

Nowhere in the cited portion is there any teaching or suggestion relating to determining which information records have been added to or modified at the handheld computer 101 (alleged source dataset) since the handheld computer 101 (alleged source dataset) was last synchronized with the desktop computer, (alleged target dataset) as required by claim 1. Instead, the cited portion specifically teaches away from “determining which, if any, information records have *been added to or modified* at the *source dataset* since the *source dataset* was last *synchronized* with the *target dataset*” given that Crozier, (either alone or in combination with Norin) at best, discloses that the data in each field in the desktop” (alleged target dataset) is compared with the data from the handheld” (alleged source dataset). Moreover, there certainly is no mention, teaching or suggestion relating to any determination of information records that have been added to or modified at the handheld computer since the handheld computer 101 *was last synchronized* with the desktop computer 115, as required by claim 1. Crozier, either alone or in combination with Norin, is simply altogether silent regarding any determination of information records added or modified at the handheld computer since a last synchronization with desktop computer. Even assuming *arguendo* that Crozier, either alone or in combination with Norin, discloses determining which records have been updated to or modified at the handheld computer, it is not necessarily the case that this determination is made since a last synchronization with the desktop computer, as required by claim 1. Any comparison of records in the desktop computer and the handheld computer could be without regard to any previous synchronization of the handheld computer with the desktop computer. Applicant submits that the Examiner is giving the combination credit for more than what it actually teaches. For at least this reason, the combination of Crozier and Norin is deficient and does not teach or suggest all of the features of claim 1.

The Examiner suggests that column 9, lines 10-11 and table 1 of Crozier (either alone or in combination with Norin) teaches “based on said synchronization set, synchronizing information records of the source dataset with information records of the target dataset by:” (i)

using said unique identifiers, deleting from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset. (See pg. 6 of the Office Action) Applicant respectfully disagrees. The cited portion of Crozier, at best, discloses a portion of a pseudocode relating to “update [of a] desktop field table for [a] specified handheld field.” However, nowhere in the cited portion (and indeed no portion) of Crozier, either alone or in combination with Norin, is there any teaching or suggestion relating to usage of record identifiers to delete from the desktop computer 115 (alleged target dataset) any information records that have been previously transmitted to the desktop computer 115 but no longer exists at the handheld computer 101 (alleged source dataset), as required by claim 1.

Rather, Crozier, at best, explains that “a user of a computer may dynamically reconcile” the information in “two files” (e.g., the handheld computer and the desktop computer) by “comparing the information of corresponding fields and allowing the user to decide how to change the data in one of the two files to bring them into agreement.” (Column 3, lines 33-37 of Crozier) (emphasis added) In this regard, Crozier further explains that “a dynamic reconciliation step informs the user of the conflicts in the data and allows him to make decisions about whether to accept the new data, ignore it or change it.” (Col. 4, lines 63-67 of Crozier) (emphasis added) Additionally, column 5, lines 39-42 of Crozier, either alone or in combination with Norin, describes that the user may optionally request from DTRECON 131 that conflicts between the handheld and desktop data be reconciled dynamically, thereby giving the user the option of accepting, ignoring, or changing any conflicting data.” And column 11, line 65 to column 12, line 1-6 of Crozier explains that the user is provided a screen which allows the user to decide what to do about conflicts and describes that “[i]f a record exists in the desktop application with the same Name, the data in each field in the desktop is compared with the data from the handheld” and “[i]f the data in any given field is different,” the user may accept the update to the field, ignore it, or edit part or all of the incoming data in the record and write it to the desktop application’s file.” (emphasis added)

In view of the foregoing, since Crozier (either alone or in combination with Norin) at best, discloses allowing the user to decide whether to change conflicting data stored in handheld computer and the desktop computer and given that the user may ignore the conflict, Crozier, either alone or in combination with Norin, is incapable of teaching or suggesting usage of

globally unique identifiers (or any type of identifiers) *to delete* from the desktop computer 115 (alleged target dataset) *any information records* which have been previously transmitted to the desktop computer (alleged target dataset) *but no longer exist* at the handheld computer, (alleged source dataset) as required by claim 1. All of the information records which have been previously transmitted to the desktop computer but which no longer exists at the handheld computer are not deleted based of usage of identifiers, as required by claim 1. Instead, Crozier, either alone or in combination with Norin, explains that “the final result may be to update some fields of the desktop records and not others.” (Col. 12, lines 6-8) (emphasis added) Clearly then, Crozier, either alone or in combination with Norin, does not teach or suggest that any information records which have been previously transmitted to the desktop computer but no longer exist at the handheld computer are deleted using unique identifiers. Rather, any deletion of any record is based on a choice of the user.

Since Crozier, either alone or in combination with Norin, allows the user to decide whether to change conflicting data stored in handheld computer and the desktop computer and given that the user may ignore the conflict, Crozier either alone or in combination with Norin, is also incapable of teaching or suggesting “using said globally unique identifiers, *updating the target dataset* so that said target dataset *includes* those information records determined *to have been added to or modified* at the *source dataset* since the source dataset was *last synchronized* with the target dataset,” as required by claim 1. As pointed out above, any update to the desktop computer 115 (alleged target dataset) so that the desktop computer includes the information records determined to have been added to or modified at the handheld computer 101 (alleged source dataset) is based on a choice by the user and “the final result may be to update some fields of the desktop records and not others.” (Col. 12, lines 6-8) (emphasis added). As such, nowhere in Crozier, either alone or in combination with Norin is there any teaching or suggestion relating to usage of an identifier to update the desktop computer so that the desktop computer includes those information records determined to have been added to or modified at the handheld computer, as required by claim 1. And there certainly is no teaching or suggestion in Crozier (either alone or in combination with Norin) relating to the desktop computer including information records determined to have been added to or modified at the handheld computer

since the handheld computer was last synchronized with the desktop computer, as required by claim 1. For at least these reasons, Applicant submits that the combination is deficient.

Applicant notes that the Examiner correctly concedes that Crozier does not teach or suggest all of the features of claim 1. However, the Examiner relies on Norin to make up for the deficiencies of Crozier. (See pg. 7 of the Office Action) In particular, the Examiner correctly notes that Crozier does not teach a globally unique identifier, but the Examiner asserts that Norin discloses a globally unique identifier (See *id.*) and suggests that Norin teaches the claimed globally unique identifier. In asserting that Norin, either alone or in combination with Crozier teaches the claimed globally unique identifier, the Examiner relies on column 2, lines 44-50, column 6, lines 15-16, column 8, lines 13-26, column 9, lines 49-50, lines 53-54 and column 10, lines 22-28 of Norin. Applicant respectfully disagrees. Nowhere in the cited portion (or indeed any other portion of Norin), either alone or in combination with Crozier, is there any teaching or suggestion relating to usage of a "Globally Unique ID (GUID)" to delete from a target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset, and using a Globally Unique ID to update the target dataset so that the target dataset includes information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset, as required by claim 1. Rather, Norin, either alone or in combination with Crozier, at best discloses that "Globally Unique ID" disclosed therein is used "to distinguish a replica node from another" replica node" (Col. 9, lines 61-67 of Norin) and explains that "each replica node keeps a list of the" "data sets (data objects)." (Col. 9, lines 13-26 of Norin) Norin, alone or in combination with Crozier, also at best explains that a replica node includes a server, desktop computer, laptop or any other system where a copy of a data set or data set properties may reside and in which data objects are replicated. (Col. 8, lines 24-32 of Norin) In view of the foregoing, the Globally Unique ID of Norin, at best, services to identify replica nodes. However, there is not teaching or suggestion relating to usage of the Globally Unique ID as an identifier to identify each data object of a data set listed in the replica node. As such, the Globally Unique ID of Norin, either alone or in combination with Crozier, does not correspond to the claimed globally unique identifier in which "each information record of the source dataset is assigned a globally unique identifier that is independent of either" a first device and a second device," as claimed. And

there certainly is no teaching or suggestion in either Norin or Crozier taken individually or in combination relating to usage of *globally unique identifiers* to delete from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset, and usage of *globally unique identifiers* to update the target dataset so that said target dataset includes those information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset, as required by claim 1. For at least this additional reason, the combination is deficient.

For at least the foregoing reasons, Applicant submits that the combination of Crozier and Norin are deficient and do not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 2-20.

Since claim 21 contains features that are analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant submits that claim 21 and its dependent claims are patentable at least for reasons analogous to those submitted for claim 1. Additionally, Applicant points out that allowing a user to decide whether to change conflicting data stored in the handheld computer and the desktop computer and allowing the user to ignore the conflict (as at best disclosed by the combination Crozier and Norin) fails to teach or suggest a *means for* determining for each dataset information which has been previously received from the other dataset but which no longer exists at the other dataset, and” “*means for* determining for each dataset information which has been added or modified at the other dataset since the other dataset was last synchronized with said each dataset,” as claimed. (See In re Bell, 26 U.S.P.Q.2d 1529 (Fed. Cir. 1993)). The proper interpretation of the structure associated with the means elements of claim 21, such as for example, the elements of FIGS. 4 and 5A consist of devices. As such, a user making decisions simply does not teach or suggest any means for making determinations.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Channavajjala is encouraged to contact

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Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cory C. Davis". The signature is written in a cursive, flowing style.

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